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SUBJECT: MFA&FT MEETS WITH DIPLOMATIC CORPS RE  
COMPREHENSIVE INSURANCE REQUIREMENTS

REF: KINGSTON 2293

1. SUMMARY: Senior Ministry of Foreign Affairs and Foreign Trade (MFA&FT) officials met with members of the diplomatic corps on October 11 to discuss the GOJ requirement to insure diplomatic vehicles comprehensively for a value to cover duties and sales tax. MFA&FT agreed to resume on an interim basis issuance of vehicle licenses and annual renewal stickers, for a period of six weeks while the GOJ reviews the policy. Members of the diplomatic corps will provide input regarding their governments' practices on insurance requirements. The objective is to ensure that Jamaican nationals are adequately protected against damages caused by diplomats who cannot be compelled to appear before Jamaican courts. Post will continue to monitor and report on developments. END SUMMARY.

2. Permanent Secretary of the Ministry of Foreign Affairs and Foreign Trade (MFA&FT) Ambassador Douglas Saunders invited the Dean of the Diplomatic Corps along with three or four colleagues to a meeting on Monday afternoon, October 11, 2005, to discuss the GOJ's requirement that all diplomatic vehicles obtain comprehensive insurance. The Dean, Trinidadian High Commissioner Dennis Francis, the UK (representing EU countries with Missions in Jamaica) and Nigerian High Commissioners, and the Canadian and US Management Counselors attended the meeting.

3. Saunders started off the meeting asserting that the GOJ policy requiring Foreign Missions and their diplomatic and non-diplomatic staff to insure their vehicles comprehensively for a value to include duties and sales tax has been on the books at least since the 1970's. He also admitted that the GOJ had been remiss all these years making the current enforcement of the rule seem like a new policy. The GOJ, as he put it, had been acting in good faith, assuming that Foreign Missions were in compliance.

4. Saunders stated that in light of the issues that have arisen as a result of enforcement, the MFA&FT will review the policy, but that the review would take "some time." He noted that effective immediately, the MFA&FT has lifted the requirement to insure for the value of duties and sales tax. The MFA&FT would also, on an interim basis for a period of six weeks, immediately resume granting licenses and annual renewal stickers, requiring only certificate of fitness and liability insurance. Upon completion of the review, MFA&FT would advise Missions of any additional requirements.

5. According to Saunders, the crux of the issue stems from the diplomatic immunity extended to Foreign Missions and their diplomatic and non-diplomatic staff under the Vienna Convention on Diplomatic Relations. The GOJ's objective with the insurance requirement, he added, is to ensure that the Jamaican public be protected against the acts of foreign diplomats and that third party liability insurance alone, as it currently exists under Jamaican law, is inadequate to provide sufficient protection because the minimum liabilities are too low. He noted that a change in legislation might be necessary to address that issue.

6. Saunders discussed at some length MFA&FT's desire to treat all Foreign Missions the same, asserting that its internal resources did not allow it the flexibility to deal with these and other issues bilaterally and on the basis of strict reciprocity. He hoped a one-size-fits-all policy would meet the needs of all Missions and asked that those present form a sort of steering committee that would hopefully represent the issues of all Foreign Missions in Jamaica. He also requested additional input from Missions regarding practices in their countries on insurance requirements of foreign diplomats.

7. The Dean expressed appreciation to Saunders for arranging the meeting. He noted that GOJ policies affect Missions differently and recognized the right of the GOJ to protect the interests of its nationals. He stressed that what was unclear to the diplomatic corps was how the requirement to insure comprehensively would in any way aid a

Jamaican national. He suggested there should be some "discovery" to determine if the existing policy serves the objective.

18. All of the foreign diplomats present indicated that each of their Governments requires Foreign Missions and their members to obtain liability insurance while none required comprehensive insurance. The UK High Commissioner mentioned that in most EU countries the requirement is for "fully adequate" liability insurance. As the meeting progressed it became clear that "fully adequate" liability insurance is the objective the GOJ seems to be pursuing.

19. COMMENT: This matter is by no means closed. If the MFA&FT resumes immediate issuance of renewal stickers as promised, the immediate crisis will be behind us. However, as the GOJ reviews its policy with a number of Jamaican stakeholders, including other agencies of the GOJ and the parliament, we can anticipate a number of proposals being put forth, many of which could be unacceptable. Post and the Department should continue to monitor developments and provide input as appropriate to ensure that the final outcome is acceptable and workable for Embassy Kingston.  
END COMMENT.

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